

LAW WEEK

COLORADO

MEET 2012'S TOP NEWSMAKERS

OUR LAWYERS OF THE YEAR made their way onto the list because they were in the news one way or another over the course of the previous 12 months. It's a group that had Colorado's legal community talking, and we think you'll agree that they were top newsmakers this year. Law Week Photos by Sarah Overbeck.

PATENTED RESPECT

ASK LOCAL patent attorneys what it means to have a regional patent office opening soon in Denver and here's what they'll tell you:

The region is finally getting the respect it deserves as an emerging hotbed of innovation.

"When people think about where tech centers are in the U.S., a lot of times Colorado is not given its due," said Phil Weiser, dean of the University of Colorado Law School, which has built a reputation for its focus on innovation and the law. Landing the patent office will help change that.

The recognition is nice, of course. And the credit largely goes to three patent attorneys who lobbied in the face of what some considered long odds to land Denver on the list.

But what they accomplished is about much more than respect. It's about money. Lots of it.

The patent office could inject billions of dollars into the regional economy, patent attorney Tom Franklin said earlier this year.

Franklin, a partner at Kilpatrick Townsend & Stockton, along with John Posthumus, a shareholder at Sheridan Ross, and Michael Drapkin, a partner at Holland & Hart, spent several years persuading the federal government to create regional patent offices and to open one in the Mile High City.

Regional offices will also open in three other cities: Dallas, Detroit and San Jose.

Mindy Sooter, a patent litigator in the Boulder office of Faegre Baker Daniels, expects the patent office will help create a critical mass of innovation activity and expertise that becomes a virtuous cycle.

The convenience of a local patent office will encourage more innovators and cutting-edge companies to locate here, along with law firms and patent attorneys and others who operate in this arena. This expanding hub of innovation and expertise will make the region even more attractive and become self-perpetuating.

That's the hope, at least.

Since the July announcement that Denver would host one of the new regional offices, several area law firms have added patent



TOM FRANKLIN, JOHN POSTHUMUS, MICHAEL DRAPKIN

attorneys, and Fox Rothschild, a national firm, opened its first Denver office staffed with three patent attorneys.

On a more practical level, for innovators and patent attorneys already here, having a local office will make it easier to protect inventions.

Instead of flying to Washington, D.C., to meet with a patent examiner, they can do that here at home, saving a lot of time and money, Sooter said.

A local office also may encourage more companies to defend their patents here when it comes to litigation, she said.

"Because the inventors are filing here, and their lawyers are going to be here, they may view Colorado as a forum of choice if they need to assert those patents," Sooter said. "Right or wrong, all that litigation does help the economy in some way."

The patent examiners in the regional offices will have certain areas of expertise. Sooter hopes the focus of the Denver office will be on telecommunications and computer science, which would reflect the region's innovation community.

A local patent office will be a boon not only to practicing patent attorneys, but those who aspire to join their ranks, said Weiser, the CU law school dean. The office will not only be a selling point for prospective students and faculty, but also will give students the opportunity for more hands-on experience.

The law school runs a patent prosecution clinic that gives students real-world experience in handling patent claims, and now that experience will become even richer with the opportunity to interact in person with patent examiners, Weiser said. The patent office

will also open up another career path, for students interested in becoming examiners.

The federal law creating the regional patent offices requires they be opened by 2014, but Posthumus has said he's optimistic that Denver's will open sooner. The city has already leased space in the Byron G. Rogers Federal Building, across from the federal courthouse. In October, Posthumus and other delegates met with U.S. Patent and Trade Office deputy director Terry Stanek Rea in Denver to discuss the hiring of the branch's new director. Once that happens, the timeline on opening the office will shorten.

For Posthumus, Franklin and Draper, who put so much effort into landing a local patent office, it can't happen soon enough. •

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